

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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U.S. DISTRICT COURT  
DISTRICT OF MASS.

CIVIL ACTION NO. 04-40051-NMG

BOXCAR MEDIA, LLC, and  
RACEWAY MEDIA, LLC.,

Plaintiffs,

v.

REDNECKJUNK, LLC,  
DR. THOMAS P. CONNELLY, and  
CONNELLY RACING, INC.,

Defendants.

**PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION AND REQUEST FOR  
HEARING**

Pursuant to Fed. R.Civ.P. 65(a), plaintiffs Raceway Media LLC and Boxcar Media, LLC hereby move on an emergency basis for the issuance of a preliminary injunction preventing the defendants from further infringing the plaintiffs' trademarks and from appropriating the content of their web sites including their customers and business. As grounds for this motion, and as is more fully set forth in the accompanying memorandum of law and affidavit of Osmin Alvarez, plaintiffs state as follows:

1. Plaintiffs are the proprietors of businesses and web sites known by the trademarks: RacingJunk.com, BoatingJunk.com and RvJunk.com. These web sites match buyers and sellers of, respectively, automobile racing, boating and RV (recreational vehicle) supplies and equipment. The distinctive trademarks associated with these sites are well known in the racing, boating and RV communities and are associated with one source, plaintiffs.

2. In January, 2004, defendants sought to invest in or otherwise become involved in plaintiffs' business. When plaintiffs rebuffed their offer, defendants set up an identical

business matching buyers and sellers of racing, boating and RV equipment. Unfortunately, defendants were not content to legally compete with plaintiffs' business. Instead, they have tried to appropriate plaintiffs' business for themselves by selecting the infringing names "redneckjunk.com" and "rjunk.com" as names for the business and then literally copying the advertisements from plaintiffs' web sites to their own.

3. Defendants' intentional copying of plaintiffs' trademarks and web site content could and does mean only one thing: that Defendants are intending to confuse consumers in order to trade on and appropriate for themselves the good will and reputation for excellence that are associated with plaintiffs. There have already been multiple instances of actual consumer confusion and there will continue to be consumer confusion and harm to plaintiffs' business and trademarks if defendants are not stopped. Since plaintiffs' efforts to resolve this matter cooperatively have failed and defendants' activities are causing plaintiffs immediate, substantial and irreparable harm, plaintiffs ask the Court to enjoin defendants on an emergency basis from any further use of tradenames confusingly similar to plaintiffs' trademarks and any further misappropriation of material from plaintiffs' web sites.

4. In further support of this motion, plaintiffs rely upon and incorporate herein by reference their memorandum of law filed in support of this motion, as well as the affidavit of Osmin Alvarez and the exhibits thereto both of which are filed with this motion.

5. WHEREFORE, plaintiffs respectfully request that the Court enter a preliminary injunction:

a. enjoining defendants from marketing and/or using as a business name, tradename and/or domain name the names "redneckjunk," "redneckjunk.com," "rjunk," "rjunk.com" or any other name confusingly similar to plaintiffs' trademarks which include "RacingJunk," "RacingJunk.com," "BoatingJunk," "BoatingJunk.com," "RvJunk" and "RvJunk.com."

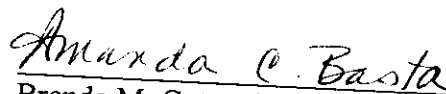
b. enjoining defendants from copying any material and/or text, and/or continuing to use any material and/or text previously copied, from plaintiffs' web sites including, without limitation, customer advertisements.

**REQUEST FOR ORAL ARGUMENT**

The plaintiffs request oral argument on this motion at the Court's earliest convenience.

Respectfully submitted,  
BOXCAR MEDIA, LLC  
RACEWAY MEDIA, LLC

by their attorneys,



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Dated: April 14, 2004

**CERTIFICATE OF COMPLIANCE WITH L.R. 7.1(A)(2)**

Plaintiffs' counsel hereby certify that they have discussed the foregoing motion with the defendants' counsel, but have been unable to resolve the issues raised in this motion.

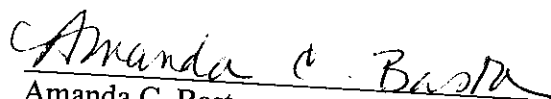
  
Jeffrey P. Hermes

CERTIFICATE OF SERVICE

I, Amanda Basta , counsel for the plaintiffs, do hereby certify that on this day, April 14, 2004, I served a copy of the foregoing Plaintiffs' Motion for a Preliminary Injunction and Request for Hearing by first-class mail and electronic mail to counsel for the defendants:

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